## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION DOCKET NO. 5:14-cv-00106-MOC-DSC

WHITNEY NICOLE SHAFFER,	)	
Plaintiff,	)	
Vs.	)	ORDER
JAMES C. GAITHER JR.,	)	
Defendant.	)	

THIS MATTER is before the court on defendant's Motion for Partial Judgment on the Pleadings. Having considered defendant's motion and reviewed the pleadings, including the plaintiff's Response (#60) and defendant's Reply (#61), the court finds that, taken as a whole, the pleadings can be read to contain a plausible allegation that defendant discharged plaintiff, which is a tangible employment action under Title VII. The fact that plaintiff alleges elsewhere that she was constructively discharged is of no moment at this stage of the litigation inasmuch as alternative pleading is allowed by the Federal Rules of Civil Procedure. Finally, the parties are reminded that, despite the abundant motions practice in this case, the clock continues to run on the deadlines set in the Pretrial Order (#57) immediately before defendant filed the instant Rule 12(c) motion.

## **ORDER**

IT IS, THEREFORE, ORDERED that defendant's Motion for Partial Judgment on the Pleadings (#58) is **DENIED**.

Signed: October 9, 2015

Max O. Cogburn Jr United States District Judge